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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

NORTHERN DYNASTY MINERALS LTD.
and PEBBLE LIMITED PARTNERSHIP,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, *et al.*,

Defendants.

Case No. 3:24-cv-00059-SLG,
and consolidated cases

STATUS REPORT AND MOTION TO EXTEND ABEYANCE

N. Dynasty Minerals Ltd. v. EPA, and consolidated cases, No. 3:24-cv-00059-SLG

Defendants respectfully request that this Court hold these consolidated cases in abeyance for an additional 30 days because new agency leadership continues to review the challenged decisions. Plaintiffs and intervenors do not oppose continuing the abeyance with a status report due in 30 days, as discussed further below.

In further support of this motion, Defendants state:

1. In these consolidated cases, all plaintiffs challenge the January 2023 Final Determination of the U.S. Environmental Protection Agency Pursuant to Section 404(c) of the Clean Water Act [for the] Pebble Deposit Area, Southwest Alaska (“Final Determination”). In addition, plaintiffs in Case No. 3:24-cv-00059-SLG (collectively, “PLP”) challenge the U.S. Army Corps of Engineers’ April 2024 denial without prejudice of PLP’s Clean Water Act Section 404 permit application for the Pebble Mine. More than 20 entities have intervened as defendants.

2. Defendants previously sought a 90-day abeyance to provide new administration officials time to familiarize themselves with the issues and determine how they wish to proceed. The Court granted that request and ordered that Defendants submit a status report by May 14, 2025. ECF 148. Defendants reserved the right to seek to extend the abeyance beyond 90 days as circumstances require. ECF 146.

3. Agency officials have been briefed on the litigation and underlying agency decisions but require additional time to determine how they wish to proceed.

4. Thus, Defendants respectfully request that the Court extend the abeyance for an additional 30 days, to June 13, 2025, with a status report due from Defendants on that date. During the extended abeyance period, briefing regarding the motions at ECF 127 and

128 would remain stayed, consistent with this Court's order granting the abeyance. ECF 148 at 2. Defendants would address the potential scheduling for briefing of those motions in the status report due June 13. Defendants reserve the right to seek to extend the abeyance beyond the additional 30 days as circumstances require.

5. For the foregoing reasons, Defendants' motion to extend the abeyance for an additional 30 days should be granted. A proposed order is being submitted herewith.

Respectfully submitted on May 14, 2025

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